

Application No. 10/620,368

Amendment under 37 C.F.R. §1.111 dated February 1, 2005

Reply to the Office Action of November 2, 2004

**AMENDMENTS TO THE DRAWINGS:**

Please amend Fig. 2 of the drawings in accordance with the attached replacement sheet for Fig. 2 to add reference element 11.

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**REMARKS**

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-7 are now pending in the present application, new claim 7 having been added by the present Amendment. Claims 1-6 stand rejected. The rejections set forth in the Office action are respectfully traversed below.

**Amendment to the Abstract**

Although the Abstract was not objected to, the Abstract has been amended to conform to current Patent Office requirements. Specifically, the Patent Office requires the Abstract to be 150 words or fewer to accommodate printing. The original Abstract was approximately 200 words. Therefore, the Abstract has been replaced with a new Abstract that is less than 150 words. Entry of the new Abstract is respectfully requested.

**Objection to the Drawings**

The drawings were objected to under 37 C.F.R. §1.84(p)(5) because the reference numeral 11 is not included in the drawings. Fig. 2 has been amended to include reference element 11. Entry of the change to Fig. 2 is respectfully requested.

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**Claim Amendments to Improve Form**

Although claims 1-5 were not objected to, claims 1, 2, 4 and 5 have been amended to improve form in accordance with preferred U.S. practice.

**Rejections under 35 U.S.C. §112**

Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, the Examiner asserts that “it is unclear to the examiner *after reading the specification how* a plurality of ridges engage with the splined grooves of the attitude control element body and *where* a taper is formed from said ridges to the container abutting section” [emphasis added]. See Office Action, page 3, lines 2-6.

Claim 6 has been amended to clarify that the taper is formed at the lower portion of the container pressing head with the narrowest portion of the taper at the container abutting section. This is consistent with, e.g., Fig. 7A, which shows the lower portion of the pressing head being tapered, with the taper narrowest at the abutting section 66.

However, applicants do not completely agree with the Examiner’s reasons for rejecting claim 6 under §112(2). Specifically with respect to the language regarding the engagement of the ridges and the splined grooves, the Examiner has not pointed out what is indefinite about this language. Specifically, the Examiner has not adequately explained why the term “engaged” is unclear. For example, a ridge and a spline may be “engaged” as illustrated in Fig. 7C.

The Examiner has called for further language in the claim describing *how* the ridges and splined grooves are engaged. However, applicants are entitled to claim the invention as broadly

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as permitted by the prior art. Applicants are not required to further define how the ridges and splined grooves are engaged to meet the definiteness requirement of §112(2). In the absence of further explanation why the term “engaged” is indefinite, and not simply a term broadly encompassing the invention, it is respectfully submitted that applicants are not required to narrow the claim to further define *how* the ridges are engaged with the splined grooves in order to comply with §112(2).

In view of the above amendments and remarks, reconsideration and withdrawal of the rejection under §112(2) are respectfully requested.

#### **Rejections under 35 U.S.C. §102**

Claims 1 – 5 were rejected under 35 U.S.C. §102(a) as being anticipated by **Eiban et al.** (USP 6,708,470). For the reasons set forth in detail below, this rejection is respectfully traversed.

The present invention is directed to a label fitting apparatus that eliminates the need for a bottle holder, fixed guide and fitting label pusher, as required in conventional label fitting devices. See, e.g., present application, page 11, lines 1-6 and 19-22.

More particularly, in accordance with embodiments of the present invention, a tubular label fitting apparatus for containers has a plurality of label fitting heads arranged at even intervals on the outer perimeter of a main turret, and each label fitting head comprises a container table, a container presser bar that applies a pressing force against the top of a container supported by the container table, and an label holding means. The rotation of the main turret causes the

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container presser bar to lower and pass through a tubular label held by the label holding means, and to apply a pressing force against a container supplied by the container table such that the container is sandwiched between the container table and the container presser bar. Further, the container is transferred in an axial direction relative to the label holding means such that the label is fitted on the container.

An aspect of the present invention is that the presser bar means falls down and passes through the tubular label held by the label holding means, pressing the container supplied by the container table so that the container is sandwiched between the container table and the presser bar means and in this condition the container is shifted in an axial direction relative to the label holding means such that the label is fitted on the container.

#### The Eiban et al. reference

The **Eiban et al.** reference discloses a device for placing label sleeves onto containers, such as bottles. As shown in Fig. 2, the **Eiban et al.** device includes a rotating table 7 having bottle plates 10 to support a bottle 1. A pipe 9 having a coaxially movable rod 11 situated therein is supported above the bottle plate 10. At the end of the pipe 9 closest to the bottle plate 10 is attached a pusher arrangement 3 that can be lifted and lowered to push a label onto a container. The pusher arrangement 3 includes centering bell 6 at the end of the pipe 9 to clamp the bottle 1 between the bottle plate 10 and the centering bell 6, a pipe-like first apertured pusher 4 and an axially movable second apertured pusher 5 arranged inside the first apertured pusher 4.

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A cam roller 17 and a cam curve 18 operate to lower and raise the pusher arrangement 3 to push a label sleeve 2 onto a bottle. More particularly, as shown in the right side of Fig. 2, when the pusher arrangement 3 is lowered, a front surface 4c of the first apertured pusher 4 contacts a top edge of the label sleeve 2 and pushes the label sleeve 2 onto the bottle 1.

Thus, the **Eiban et al.** device is designed such that the label is fitted on the container by means of the front surface (4a) in the apertured pusher (4) pushing the upper end of label sleeve (2) downward (refer to column 4, lines 9 - 13). Therefore, the **Eiban et al.** device is substantially the same as the conventional art shown in Fig. 10 of the present application, and has the problem that the label cannot correctly be fitted due to instability to be easily tilted when covering only the shoulder of the container as shown in Fig. 11b of the present application. The present invention can solve the problem of the conventional system and **Eiban et al.** by means of the structure described above which is not disclosed in the **Eiban et al.** invention.

Further, the present invention has the effect that label can be correctly fitted on the predetermined position without being tilted because the label is fitted on the container by sandwiching the container between the container table and the presser bar means and shifting the container in an axial direction relative to the label holding means in the condition where the tubular label is held by the tubular holding means.

Thus, first, it is noted that the **Eiban et al.** reference suffers from some of the deficiencies of conventional label fitting apparatuses noted in the present application. For example, **Eiban et al.** requires a fitting label pusher (pusher arrangement 3), which is not required in accordance with embodiments of the presently claimed invention.

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Second, **Eiban et al.** do not disclose or suggest a label holding means that holds a tubular label and a container presser bar that is lowered and passes through the tubular label held by the label holding means, as recited in claim 1. Unlike the presently claimed invention, the **Eiban et al.** reference does not disclose or suggest a label holding means and instead discloses a label tube cutting unit F that partially places a label sleeve on a bottle shoulder 1a (see col. 4, lines 60 – 65). The first apertured pusher 4, which is considered by the Examiner to be a label holder (see Office Action, page 3, line 7 of item 5), does not hold a label but pushes a label onto the bottle.

Further, even if the bottle shoulder 1a that supports the label sleeve 2 is considered a “label holding means,” the centering bell 6 (considered by the Examiner to be a container presser bar; Office Action page 3, line 5 of item 5) is not lowered to pass through the label 2. As shown in Fig. 2, the apertured pusher 4 pushes the label 2 downward onto the bottle 1 before the centering bell 6 can pass through the label 2.

Still further, **Eiban et al.** do not disclose or suggest a container that is transferred in an axial direction relative to the label holding means such that the label is fitted on the container. Because **Eiban et al.** do not disclose or suggest label holding means, there can be no transfer in an axial direction of a container relative to a label holding means. Moreover, even if the bottle shoulder 1a, which supports the label sleeve 2 prior to it being pushed onto the bottle, is considered a “label holding means,” the bottle 1 cannot be transferred relative to itself.

In view of the above remarks, it is submitted that **Eiban et al.** do not disclose or suggest the invention recited in claim 1. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

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**Dependent Claims 2-6**

Each of claims 2-6, which depend from claim 1, are also allowable by virtue of their dependency on claim 1.

Moreover, the dependent claims recite additional features not disclosed or suggested by the **Eiban et al.** reference. For example, **Eiban et al.** do not disclose or suggest a label held by the label holding means is fitted on the container by moving vertically the container table and the container presser bar in a synchronized manner under a condition in which a bottle is sandwiched between the container table and the container presser bar, as recited in claim 2. The container table 10 of **Eiban et al.** clearly does not move vertically.

Further, for example, each of the features recited in dependent claim 6, which was not rejected over prior art, are not disclosed or suggested by **Eiban et al.**

**New Claim**

New claim 7 has been added. New claim 7 recites the invention in non means-plus-function language (i.e., structural language), and somewhat more broadly than claim 1. New claim 7 distinguishes over the prior art for reasons the same as or similar to those set forth above with respect to claim 1. An indication of allowability of new claim 7 is respectfully requested.

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**CONCLUSION**

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



William M. Schertler  
Attorney for Applicants  
Registration No. 35,348  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

WMS/lw/kal